THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1327 OF 2006

Dt.27.1.2006

Between:

T.Anjamma … Petitioner

And

The Revenue Divisional Officer,

Ongole, Prakasam District and

2 others. … Respondents

ORDER:

The petitioner is the kerosene hawker for distribution of kerosene in respect of Devarapalem Village, Chimakurthy Mandal, Prakasam District. A show cause notice has been issued by the 2nd respondent on 10.10.2005 as to why the licence of the petitioner shall not suspended on the certain allegations. It is stated that the Mandal Revenue Inspector, Chimakurthy, after conducting enquiry submitted report to the Mandal Revenue Officer, Chimakurthy, recommending suspension of the kerosene licence of the petitioner on the following alleged irregularities:

1. The hawker is not distributing K.Oil in all days of the month and not in schedule timings.

2. The hawker is selling kerosene @ Rs.10/- to 11/- per liter instead of Rs.9.50 paise.

3. The hawker is not lifting the entire quota and not distributing in the

village.

4. The hawker is not maintaining/writing stock register and sales statement properly.

5. The hawker has not produced the licence to the enquiry officer at the time of inspection.

6. The hawker is not having proper licences to conduct business.

Pursuant to the said show cause notice, the petitioner submitted her explanation as under:

1. As per the instructions of the Mandal Revenue Officer, Chimakurthy, she has distributed kerosene from 1st to 15th of the month properly.

2. She is selling kerosene @ Rs.9.50 per liter, but not at higher rates.

3. She has been distributing the entire allotted kerosene of 730 liters in Devarapalem village every month properly, duly obtaining acknowledgements of the consumers.

4. She has been maintaining the stocks and sales registers properly.

5. She submitted that she is having hawker licence No.1/88-89 and regularly getting renewal.

Without considering any of the averments made in the explanation, the licence of the petitioner has been suspended pending enquiry by the 2nd respondent by order dated 9.11.2005. As against the said order, the petitioner filed an appeal before the Revenue Divisional Officer, Ongole and the appellate authority did not pass any orders. Therefore, the petitioner filed W.P.No.25486 of 2005 and this Court while disposing of the same by order dated 30.11.2005 directed the Revenue Divisional Officer/appellate authority to consider and dispose of the appeal and till then the suspension made pending enquiry by the Mandal Revenue Officer was kept in abeyance. Thereafter, the appellate authority while upholding the suspension pending enquiry directed the Mandal Revenue Officer to dispose of the disciplinary case after giving suitable opportunity to the petitioner and personal hearing of the case

within one month from the date of receipt of the order dated 5.1.2006 and accordingly disposed of the appeal.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies appearing on behalf of the respondents.

I am of the opinion that the appellate authority also has not considered any of the grounds of the appeal as well as the explanation submitted by the petitioner in proper perspective. However, having regard to the facts and circumstances of the case, as the petitioner has been distributing the kerosene oil pursuant to the orders of this Court in W.P.No.25486 of 2005, dt.30.11.2005, the suspension order made pending enquiry by the Mandal Revenue Officer as confirmed by the Revenue Divisional Officer shall be kept in abeyance till the disciplinary case is disposed of by the 2nd respondent as directed by the Revenue Divisional Officer vide order dated 5.1.2006.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

27.1.2006

Note: Issue copy within two days

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